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Filing date: **09/22/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227639
Party	Plaintiff Honda Motor Co., Ltd.
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Submission	Motion for Default Judgment
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Signature	/dyan finguerria-ducharme/
Date	09/22/2016
Attachments	Opposer Motion for Default 9 22 16.pdf(40493 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Application Serial No. 86/774,529



Mark: *AGATHOS*

Filed: October 1, 2015

_____	x	
	:	
HONDA MOTOR CO., LTD.,	:	
	:	Opposition No. 91/227,639
Opposer,	:	
	:	
v.	:	
	:	
YU WENG KIANG,	:	
Applicant.	:	
_____	x	

**MOTION FOR DEFAULT JUDGMENT
FOR FAILURE TO ANSWER**

Opposer Honda Motor Co., Ltd. (“Opposer” or “Honda”) respectfully requests that the Trademark Trial and Appeal Board (the “Board”) enter a Judgment of Default against Applicant Yu Weng Kiang (“Applicant”) pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (“FRCP 55(a)”) and Rule 2.106(a) of the Trademark Rules of Practice (“TMRP 2.106(a)”) on the grounds that Applicant has failed to file an Answer or enter an appearance in this matter.

1. According to FRCP 55(a), “when a party against whom judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by the rules and the fact is made to appear by affidavit or otherwise, the clerk shall enter the party’s default.”

2. Honda filed a Notice of Opposition on May 2, 2016, and pursuant to the Board’s Order mailed May 2, 2016, the final deadline to file an Answer to the Notice of Opposition was June 11, 2016.

3. Opposer attempted to serve the Notice of Opposition upon Applicant's counsel at the address identified in the Application. As reflected at Opposer's Notice of Ineffective Service filed with the Board on June 3, 2016, the postal service returned Opposer's Notice of Opposition as undeliverable.

4. Subsequently, Opposer attempted to serve the Notice of Opposition upon the Applicant at the address listed in the Application: Yu Weng Kiang, Duta harapan Indah Blok N No.36, Kapuk Muara, Jakarta, Florida 34238. That mailing was also returned as undeliverable.

5. As reflected in Opposer's Certificate of Service filed with the Board on July 12, 2016, Opposer learned that Applicant filed a Change of Correspondence Address with the USPTO on July 11, 2016, identifying Applicant's counsel's new mailing address as Suite 011-616, 4283 Express Lane, Sarasota, Florida, United States 34238 and the email address andersonip7@gmail.com. Accordingly, on July 12, 2016, Opposer re-sent its Notice of Opposition to the new mailing address and e-mail addresses identified in the Change Of Correspondence Address.

6. On August 12, 2016, the Board issued an order extending the time for Applicant to file answer to Opposer's Notice of Opposition to forty days from the mailing date of the order. Specifically, the Board reset the deadline for Applicant to file an answer to September 21, 2016.

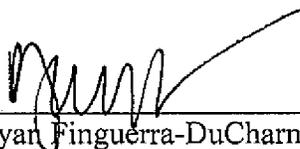
7. To date, Applicant has not filed an Answer or otherwise appeared.

8. Having failed to file a timely Answer or enter an appearance to date, Applicant has conceded the truth of the claims made in the Notice of Opposition. Therefore, pursuant to FRCP 55(a) and TM-RP 2.106(a), Honda respectfully requests that the Board enter a Judgment by Default against Applicant.

Dated: September 22, 2016

Respectfully submitted,

PRYOR CASHMAN LLP



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Attorneys for Opposer Honda Motor Co., Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the Opposer's Motion For Default Judgment For Failure To Answer was served on Applicant by First Class Mail and e-mail at the following address:

Yu Weng Kiang
4283 Express Lane
Suite 011-616
Sarasota, Florida, United States 34238
andersonip7@gmail.com



Dyan Finguerra-DuCharme

Date: September 22, 2016